



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Strous et al.

Serial No.: 09/660,302

Filed: September 12, 2000

For: CONTROLLING AVAILABILITY OR
ACTIVITY OF PROTEINS BY USE OF
PROTEASE INHIBITORS OR RECEPTOR

Confirmation No.: 6944

Examiner: T. McKelvey, Ph.D.

Group Art Unit: 1636

Attorney Docket No.: 2183-4525US

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COMMUNICATION

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Responsive to the Restriction Requirement of February 24, 2003, applicants elect the claims of Group I (*i.e.*, claims 1-2, 8-11, 22-23 and 26-33) drawn to a method for controlling or up-regulating the availability or activity of a protein comprising regulating binding of a ubiquitin-proteasome system at a ubiquitin-proteasome binding site of a protein, an inhibitor of a ubiquitin-proteasome system dependent binding of an intra-cellular part of a receptor, the binding site comprising the amino acid motif xEFlxxDx, and a pharmaceutical composition. This election is made without traverse such that the non-elected claims may be pursued in a related application.

The Restriction Requirement also indicated that it was unclear whether claims 35 and 36 belong to Group I, Group III or both Groups I and III and stated that the applicants' response should identify which Group claims 35 and 36 belong and a brief description of why the claims belong to the particular group.

Claims 35 and 36 should also be included with the claims of Group I since claims 35 and 36 depend from claim 10. Claim 35 is directed to the inhibitor of claim 10, wherein the polypeptide interferes with the ubiquitin-proteasome system regulation of cell surface receptors of a cell by inhibiting ligand-induced receptor uptake. Claim 36 is directed to the inhibitor of claim 10, wherein the polypeptide interferes with the ubiquitin-proteasome system regulation of cell surface receptors of a cell by inhibiting receptor degradation caused by endocytosis.

Claims 35 and 36 describe steps in the basic pathway of the ubiquitin-proteasome system regulation of cell surface receptors of a cell after binding of the ubiquitin-proteasome system to an ubiquitin-proteasome binding site of a protein as included in Group I. Accordingly, claims 35 and 36 should also be considered to belong to Group I.

No species election is made since Group I was not indicated to encompass selected species.

Reconsideration and substantive examination of the application is, thus, requested.

CONCLUSION

If questions exist after consideration of the foregoing, the Office is kindly requested to contact the applicants' representative at the address or telephone number below.

Respectfully submitted,



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